

RESOLUTION NO. 2008-31

(Binding Site Plan BSP 2007-04)

A RESOLUTION, granting preliminary approval of "Binding Site Plan BSP 2007-04".

WHEREAS, the Wenatchee Planning Commission held an open record hearing on February 20, 2008, at the hour of 7:00 p.m. for the purpose of taking public testimony regarding an application for a major subdivision described on Exhibit "A" attached hereto and incorporated herein as though fully set forth; and

WHEREAS, at the conclusion of the open record hearing on February 20, 2008, the Wenatchee Planning Commission made the following findings of fact:

1. The subject property is located in the Waterfront Mixed Use zoning district within the City of Wenatchee.
2. A complete application was submitted in accordance with Wenatchee Zoning and Subdivision Ordinances, at least thirty (30) days prior to the Planning Commission hearing.
3. Appropriate notice of application and public hearing was sent in accordance with Wenatchee Subdivision Ordinance #3080 and Wenatchee Zoning Ordinance #3070.
4. The application represents a Binding Site Plan resulting in a mixed use development.
5. Consideration has been given to provisions for drainage, roads, alley and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds, and other public and private facilities and improvements needed to serve the development.
6. The imposition of the additional condition to the approved binding site plan provides certain assurances of harmony with the surrounding area or its potential future uses.
7. A SEPA Checklist has been submitted with the application materials.

8. Resource Lands and Critical Areas maps have been consulted.
9. Wenatchee Planning Commission is empowered by Ordinance #3070 and #3080 to consider Binding Site Plan application and forward the recommendation to the Wenatchee City Council.

WHEREAS, at the hearing on February 20, 2008, the Wenatchee Planning Commission made the following conclusions:

1. The proposal, as conditioned, demonstrates consistency with the development standards and procedural requirements of Wenatchee Zoning and Subdivision Ordinances.
2. The proposal, as conditioned, demonstrates consistency with the Wenatchee Urban Area Comprehensive Plan Waterfront Sub Area Plan.
3. The proposal, as conditioned, demonstrates compliance with the Waterfront Mixed Use zoning district development standards.
4. The proposal, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
5. With respect to the State Environmental Policy Act, of 1971, as amended, a detailed evaluation of the environmental implication of this project has been done. The evaluation resulted in a declaration of environmental non-significance being entered for the project on February 4, 2008. The findings and conclusions of this declaration process are provided to the Planning Commission and herein adopted by reference.
6. A critical areas analysis is not required for this project.

WHEREAS, the City Council of the City of Wenatchee held a closed record hearing on April 10, 2008, and hereby makes the following findings of fact:

1. On February 20, 2008, the City of Wenatchee Planning Commission held a legally advertised open record pre-decision hearing where it took and considered testimony on Application Binding Site Plan BSP 2007-04.
2. On February 20, 2008, the City of Wenatchee Planning Commission made a recommendation to the City Council for approval of Binding Site Plan BSP 2007-04 and based upon the record and testimony at the hearing developed, Findings of Fact, Conditions, and Conclusions.

3. On March 5, 2008 Chelan County Public Utility District Director of Natural Resources, Tracy Yount, filed a timely administrative appeal of the Planning Commission decision to approve alternative compliance of required landscaping contained in the Planning Commission's decision to recommend approval of Binding Site Plan BSP 2007-04.
4. The City Council did hold a duly advertised closed record hearing on April 10, 2008 at which time it considered Binding Site Plan BSP 2007-04 and the appeal of the Chelan County Public Utility District of the Planning Commission's decision.

WHEREAS, based on the foregoing findings of fact, the City Council makes the following additional conclusions:

1. The Planning Commission did not err in its findings of fact and conclusions in recommending approval of Binding Site Plan BSP 2007-04.
2. The applicant did meet the requirements of Ordinance No. 3070, Section 10.62.050 for providing alternative landscaping by locating the alternative landscaping between the proposed buildings and the park and in a larger amount than required.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE as follows:

SECTION I

The City Council of the City of Wenatchee does hereby adopt the findings and conclusions entered by the Wenatchee Planning Commission on February 20, 2008.

SECTION II

Based upon the findings and conclusions of the Wenatchee Planning Commission, and the additional findings and conclusions made by the City Council as a result of the closed record hearing held on April 10, 2008, the City Council of the City of Wenatchee does hereby approve Binding Site Plan BSP 2007-04 pertaining to the property described on Exhibit "A", subject to the following conditions:

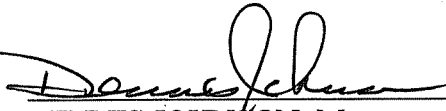
1. Prior to final binding site plan approval, the binding site plan shall be prepared by a licensed professional land surveyor, and along with supporting documentation, be recorded with the Chelan County Auditor.
2. Prior to final binding site plan approval, the binding site plan shall conform to all requirements of the subdivision process for preliminary and final plats as provided for in Wenatchee City Code Chapter 11.16.
3. Prior to final binding site plan approval, the binding site plan filing shall include all documentation to satisfy the requirements of the Wenatchee Subdivision Ordinance.
4. Prior to final binding site plan approval, the above documentation shall include provisions for a road access connection and use that will allow the creation of a road east of Walla Walla Avenue as identified in the Waterfront Subarea Plan.
5. Prior to final approval, the properties located directly to the south and east of the subject property identified as Assessor Parcel Numbers 23-20-34-823-080, and 23-20-34-823-085 (the "benefitted parcels") be granted an easement for ingress and egress over and across the private roads with the condition that the benefitted parcels will use and enjoy the easements only if the benefitted parcels are put to a primary use compatible with the subject property, e.g. residential/residential, but not residential/commercial. The easement shall be appurtenant to the benefitted parcels and any adjoining lands that come into common ownership with the benefitted parcels, and if the benefitted parcels are later divided, all parts shall enjoy the benefit of the easement. The easement document shall be approved by the city attorney and recorded with the binding site plan.
6. Prior to final binding site plan approval, provide all public or private easements as required by the respective utility purveyors and indentify the location of all utilities and buildings both existing and proposed. More specifically, provide easements for all city utilities that shall be a minimum of fifteen (15) feet wide centered on the utility and shall have twelve (12) foot wide gravel or paved access road over the facility. Supply accurate as-built drawings upon completion per notes in the approved construction plans. Provide bill of sale for all public improvements.
7. Prior to final binding site plan approval, complete all improvements and specifications for utilities including easements per plans approved by the City Engineer or provide appropriate bond approved by the City Engineer.
8. Prior to occupancy of any building, all landscape requirements, as specified by the City of Wenatchee Landscaping and Screening Chapter 10.62, for the project be installed and approved by the Community Development Director. As an alternative, portions of the landscaping may be phased provided that a

landscaping plan showing the phasing and a performance assurance (Section 10.62.020 (G)) is approved by the Community Development Director.

9. Landscaping plans shall be prepared by a registered landscape architect, Washington State-certified nursery professional, Washington State-certified landscaper or a person with a minimum of four years' experience in landscape design and pre-approved by the Director prior to landscape plan submittal.
10. Prior to approval of the landscaping plan, an owner signed statement shall be included on the face of the plan which states: "As owner of the subject property, I have reviewed this landscape plan and understand my responsibilities for landscaping installation and maintenance."
11. If approved and prior to final binding site plan approval, all proposed alternative landscaping areas are to be clearly labeled on the binding site plan with a deed restriction or easement on the property establishing and protecting the alternative landscape areas.
12. Prior to the inspection by the Director, the Landscape Architect shall submit a letter certifying that they have completed an on-site landscape inspection and the landscaping has been installed in accordance with the approved landscape plan.
13. Pursuant to Section D105 of the IFC, the binding site plan shall provide adequate fire apparatus access of an unobstructed twenty-six foot road width and less than 10 percent grade parallel to all buildings. The parallel access to Building G does not meet this requirement.
14. Section D105 of the IFC requires that Buildings D and E must be orientated so that access routes area a minimum of fifteen (15) and a maximum of thirty (30) from the building and are positioned parallel to the side of the building.
15. Pursuant to the IFC, fire flow is required at a minimum of 1500 GPM and spacing for fire hydrants is set forth in Appendix B.
16. All electrical line extensions shall be underground. Contact Chelan County PUD for additional electrical service information.
17. Prior to final binding site plan approval, building permits will not be issued for this development.
18. Pedestrian gates to the development shall remain unlocked to provide pedestrian access through the development from Riverfront Park to Walla Walla Avenue and vice versa.

PASSED BY THE CITY COUNCIL OF THE CITY OF
WENATCHEE, at a regular hearing thereof, this 24 day of April, 2008.

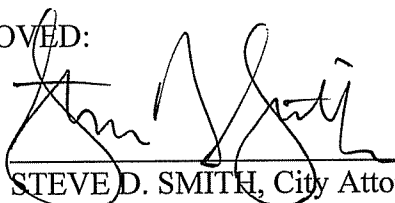
CITY OF WENATCHEE, a Municipal
Corporation

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
VICKI REISTER, City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney